

From the
INTERNATIONAL SEARCHING AUTHORITY

To:

see form PCT/ISA/220

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY
(PCT Rule 43bis.1)

Date of mailing
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference
see form PCT/ISA/220

FOR FURTHER ACTION
See paragraph 2 below

International application No.
PCT/GB2004/002149

International filing date (day/month/year)
18.05.2004

Priority date (day/month/year)
20.05.2003

International Patent Classification (IPC) or both national classification and IPC
B65D65/46, B65D1/24, B65D25/08, C11D17/04

Applicant
RECKITT BENCKISER (UK) LIMITED

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☒ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☒ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☒ Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

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**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

10/557298
International application No.
PCT/GB2004/002149

IAP20 Rec'd PCT/GB 18 NOV 2005

Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
 - ☐ This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material:
 - ☐ a sequence listing
 - ☐ table(s) related to the sequence listing
 - b. format of material:
 - ☐ in written format
 - ☐ in computer readable form
 - c. time of filing/furnishing:
 - ☐ contained in the international application as filed.
 - ☐ filed together with the international application in computer readable form.
 - ☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

Box No. II Priority

1. ☒ The following document has not been furnished:

☒ copy of the earlier application whose priority has been claimed (Rule 43*bis*.1 and 66.7(a)).

☐ translation of the earlier application whose priority has been claimed (Rule 43*bis*.1 and 66.7(b)).

Consequently it has not been possible to consider the validity of the priority claim. This opinion has nevertheless been established on the assumption that the relevant date is the claimed priority date.

2. ☐ This opinion has been established as if no priority had been claimed due to the fact that the priority claim has been found invalid (Rules 43*bis*.1 and 64.1). Thus for the purposes of this opinion, the international filing date indicated above is considered to be the relevant date.

3. Additional observations, if necessary:

Box No. V Reasoned statement under Rule 43*bis*.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	1-14
	No: Claims	
Inventive step (IS)	Yes: Claims	1-14
	No: Claims	
Industrial applicability (IA)	Yes: Claims	1-14
	No: Claims	

2. Citations and explanations

see separate sheet

Box No. VI Certain documents cited

1. Certain published documents (Rules 43*bis*.1 and 70.10)

and / or

2. Non-written disclosures (Rules 43*bis*.1 and 70.9)

see form 210

Box No. VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

see separate sheet

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING
AUTHORITY (SEPARATE SHEET)**

PCT/GB2004/002149

IAP20 Rec'd PCT/GB 18 NOV 2005**Re Item V****Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement****Claim 1**

The closest prior art appears to be disclosed in the document WO-A-02/092456 (D1). This document describes a filled water-soluble injection moulded container containing a first composition in a first compartment and a second composition in a second compartment, where the first and second compartments are separated by a water-soluble barrier.

Both compartments are sealed with a water-soluble film and - since the compartments are on different sides of the container - it may be assumed that the barrier is also formed by injection moulding of the water-soluble material.

It is, however, not derivable from D1 or any of the other available documents that the barrier has an opening which is plugged by a plug and which is arranged in such a manner that the first compartment is filled through the opening before the opening is closed by the plug.

Accordingly, the present claim 1 appears to meet the requirements of Article 33 (2), (3) and (4) PCT, its subject-matter being novel, involving an inventive step and being capable of industrial applicability.

Claim 9

The observations set out above apply in a corresponding manner to the unfilled container as defined in the present claim 9.

Accordingly, it would appear that claim 9 also meets the requirements of Article 33 (2), (3) and (4) PCT.

Claims 2 to 8 and 10 to 14

These claims are directly or indirectly dependent on the claims 1 and/or 8 and, consequently, also meet the requirements of Article 33 (2), (3) and (4) PCT.

Re Item VI

Certain documents cited

Certain published documents

Application No Patent No	Publication date (day/month/year)	Filing date (day/month/year)	Priority date (valid claim) (day/month/year)
PCT/GB03/00100	04.09.2003	13.01.2003	26.02.2002

The applicant's attention is drawn to this document (Publication No. WO-A-03/072694), because it discloses (see Fig. 4) a water-soluble container from which the subject-matter of claim 1 only differs in that the barrier is arranged such that the first compartment can be filled through the opening before the plug is plugged into the opening. According to this document, the barrier and the plug are arranged over the first composition after filling of the first compartment.

Accordingly, the subject-matter of claim 1 is novel over the teaching of this document. Depending on the validity of the priority of the present application, this document might, however, be relevant for judging the existence of an inventive step.

Re Item VIII

Certain observations on the international application

Claims 1 and 9 (and all claims dependent thereon) do not meet the requirements of Article 6 PCT, because they are not clear and not supported by the description.

It is clear from the description that the main purpose of the present invention is the provision of a water-soluble container which will release the different components provided in the first and second compartment and, optionally, in the plug at different times.

To this end, the first compartment is formed such as to dissolve slower than the other parts of the container, in particular because the injection moulded parts dissolve slower than the other parts.

It is clearly set out in the description (see page 4, line 23) that one of the decisive features of the invention lies in the fact that the first compartment is surrounded by injection moulded walls.

This teaching is not clear from the wording of claims 1 or 9, because it is not indicated therein that the barrier (provided with the opening for the plug) is injection moulded with the container. In fact, the barrier as defined in claims 1 and 9 could be a wall which is similar to the barrier wall disclosed in WO-A-03/072694. This, however, is not in line with what is indicated throughout the description and the drawings.